

June 5, 2014

Michael J. Summersgill

Honorable Robert J. Conrad, Jr.
U.S. District Court for the Western District of North Carolina
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Re: *Intellectual Ventures I LLC et al. v. Bank of America, N.A.*,
Case No. 13-cv-358-RJC-DSC (W.D.N.C.)

Dear Judge Conrad:

Per this Court's December 3, 2013 Order staying this case (Dkt. 54), I write on behalf of Bank of America, National Association ("BANA") regarding the status of BANA's petitions for Covered Business Method ("CBM") Review of the asserted patents in this case.

On May 22, 2014, the U.S. Patent and Trademark Office ("PTO") granted BANA's requests for CBM review of all claims of all four remaining asserted patents.¹ After reviewing the submissions by both BANA and IV, the PTO decided that it is "more likely than not" that all claims of all four patents are invalid under 35 U.S.C. § 101:

- *Bank of America, N.A., et al. v. Intellectual Ventures I LLC*, CBM 2014-00028, Paper 18 at 2 (May 22, 2014) ('137 Patent CBM Institution Decision) ("Upon consideration of the Petition and Preliminary Response, we determine that it is more likely than not that Petitioners would prevail with respect to claims 1-24 of the '137 patent.");
- *Bank of America, N.A., et al. v. Intellectual Ventures I LLC*, CBM 2014-00029, Paper 14 at 2 (May 22, 2014) ('701 Patent CBM Institution Decision) ("Upon consideration of the Petition and Preliminary Response, we determine it is more likely than not that Petitioners would prevail with respect to claims 1-18 of the '701 patent.");
- *Bank of America, N.A., et al. v. Intellectual Ventures I LLC*, CBM 2014-00030, Paper 14 at 2 (May 22, 2014) ('382 Patent CBM Institution Decision) ("Upon consideration of the Petition and Preliminary Response, we determine that it is more likely than not that Petitioners would prevail with respect to claims 1-23 of the '382 patent.");

¹ Plaintiffs Intellectual Ventures I LLC and Intellectual Ventures II LLC (collectively "IV") are currently asserting U.S. Patent Nos. 8,083,137 ("the '137 patent"); 7,664,701 ("the '701 patent"); 7,603,382 ("the '382 patent"); and 7,260,587 ("the '587 patent") (collectively, the "asserted patents") against BANA. IV also asserted U.S. Patent No. 6,182,894 ("the '894 patent") in its initial complaint, but IV subsequently stipulated to a dismissal with prejudice of its '894 patent claims against BANA. (Dkt. 56-57.)

Honorable Robert J. Conrad, Jr.
June 5, 2014
Page 2

- *Bank of America, N.A., et al. v. Intellectual Ventures II LLC*, CBM 2014-00033, Paper 11 at 2 (May 22, 2014) ('587 Patent CBM Institution Decision) ("Upon consideration of the Petition and Preliminary Response, we determine that it is more likely than not that Petitioner would prevail with respect to claims 1-18 of the '587 patent.").

Under the statutory schedule for CBM proceedings, the PTO is required to complete its CBM review within one year of initiating these proceedings absent good cause—i.e., by May 22, 2015. *See* 37 C.F.R. § 42.300(c).

Very truly yours,

A handwritten signature in dark ink, appearing to read "MSG", is written over the closing text.

Michael J. Summersgill